D.B. CIVIL SPECIAL APPEAL (W) NO.33/2007

General Manager, Pesticides India Ltd. VS. Siraj Ahmed & Anr.

Date : 12.01.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE CHATRA RAM JAT

Mr. Puspendra Singh for the appellant.

Having heard learned counsel for the appellant we are of the opinion that it is not a case in which any interference is called for.

The respondent No.1, who was for about 15 years in service of the appellant, was retrenched without complying with the provisions of Chapter V-A of the Industrial Disputes Act. The dispute having been referred to Labour Court, the Labour Court found the retrenchment to be invalid. But instead of awarding reinstatement, lump sump compensation in a sum of Rs.35,000/- was awarded. Retrenchment took place in 1992 and the award came to be made on 1.11.2004.

The learned Single Judge while sustaining the invalidity of the retrenchment found that the compensation awarded in lieu of invalid retrenchment of an employee, who has served for more than 15 years, at Rs.35,000/- was grossly inadequate and enhanced the amount to Rs.1,25,000/- with 6% interest with effect from the date of publication of the award. The learned Single Judge also agreed with the learned Labour Court that reinstatement was not proper and appropriate relief in the present case.

In the facts and circumstances, keeping in view the long length of services before illegal retrenchment and the fact that the retrenchment compensation and salary in lieu of one month's notice was not paid and coupled with the loss of job severely jeopardising his livelihood, the amount of Rs.1,25,000/- as compensation in lieu of reinstatement determined by the learned Single Judge does not require any interference.

The appeal, therefore, fails and is hereby

dismissed.

[CHATRA RAM JAT], J. [RAJESH BALIA], J.

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